IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.475 OF 1996

Citibank N.A. ..Plaintiff

V/s.

Rajiv Gupta ..Defendant

Ms.Kavita Anchan i/b. M.V.Kini & Co.for plaintiff

CORAM : A.S.OKA, J.

DATE : 14TH SEPTEMBER, 2007

P.C.

1. Affidavit of service discloses that writ of summons under Sub-rule (2) of rule 2 of Order XXXVII of the Code of Civil Procedure, 1908 has been served to the defendant on 3rd April, 1996. The defendant has not entered appearance within the time stipulated by law.

2. In view of Sub-Rule 3 of Rule 2 of Order XXXVII of the Code of Civil Procedure, 1908 the contents of the plaint are deemed to have been

admitted by the defendant. Hence, the plaintiff is entitled to a decree as prayed for. Suit accordingly stands decreed in terms of prayer clause (a) and (b). Plaintiff will be entitled to refund of Court fees, if any, as per the rules. Certified copy is expedited.

(**A.S.OKA, J.**)